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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VORNELIUS JAMAL PHILLIPS,

Petitioner

v.

BRIAN E. WILLIAMS, et al.,

Respondents

Case No.: 2:18-cv-02139-JAD-GWF

Order Dismissing Action

Petitioner Vornelius Jamal Phillips has not properly commenced this action by either paying the filing fee or filing an application for leave to proceed *in forma pauperis*. It does not appear that dismissal of this improperly commenced action will materially impact analysis of the timeliness issue or otherwise cause Phillips substantial prejudice given that the federal statute of limitations likely expired long before Phillips filed the petition in this case.¹ Phillips is currently pursuing another habeas petition in this court challenging the same judgment of conviction,² and the petition in this case is likely second or successive.³ Accordingly, this improperly commenced action will be dismissed without prejudice.

IT THEREFORE IS ORDERED that **this action is DISMISSED WITHOUT PREJUDICE.**

IT IS FURTHER ORDERED that the Clerk of Court is directed to **FILE the petition [ECF No. 1-1]; SEND petitioner a copy of his papers in this action, along with copies of the**

¹ Phillips challenges his judgment of conviction in Case No. 175648 in the Eighth Judicial District Court. Based on a review of the documents filed in that action and in this case, the federal statute of limitations appears to have expired several years ago. See ECF No. 1-1 at 25; <https://www.clarkcountycourts.us/portal> (last accessed Nov. 8, 2018) (search for Case No. 175468).

² See Case No. 2:18-cv-00933-RFB-NJK.

³ See Case No. 2:10-cv-00666-PMP-PAL.

1 **forms and instructions for an inmate pauper application and habeas petition; ENTER**
2 **JUDGMENT** accordingly; and **CLOSE THIS CASE.**

3 IT IS FURTHER ORDERED that the petitioner is **denied a certificate of appealability**
4 because jurists of reason would not find dismissal of this petition on procedural and jurisdictional
5 grounds to be debatable or wrong.

6 Dated: November 18, 2018

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9 U.S. District Judge Jennifer A. Dorsey
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